THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.39740 of 2018

09.11.2018

Between:

Pachineella Dhanaiah @ Danial

..Petitioner

and

The State of Telangana,
represented by its Principal Secretary,
Revenue Department, Land Acquisition,
Secretariat, Hyderabad and others

..Respondents

Counsel for the petitioner: Mr.Kilaru Nithin Krishna

Counsel for respondent Nos.1 to 4: Government Pleader for
Land Acquisition (T.S.)

Counsel for respondent No.5: Mr.J.Sreenivasa Rao,
standing counsel for Singareni Collieries Co., Ltd.,

Counsel for respondent No.6: --

Counsel for respondent No.7: Mr.J.Anil Kumar,
standing counsel for Legal Services Authority

The Court made the following:

ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed for the following substantive relief:

> "…….to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not disbursing the requisite compensation amount i.e., a cheque for an amount of Rs.10,99,375/- (Rupees ten lakhs ninety-nine thousand three hundred and seventy-five only) and also accrued interest pursuant to Award passed by the Lok-Adalath Bench at Khammam, i.e., in Lok-Adalath Case No.406 of 2016 in L.A.O.P.No.619 of 2014 on the file of the Honorable District Judge's Court, Khammam, dated 26.03.2016, for land to a total extent of Ac.0.34 guntas of land in Survey No: 32 of Kommepally village, Sathupalli Mandal, Khammam District, acquired by Singareni Collieries, as illegal, arbitrary, in violation of Articles 14 and 21 of the Constitution of India, Land Acquisition Act, 1894, and consequently to direct the respondents to disburse the above mentioned compensation with applicable interest immediately forthwith or to consider passing fresh Awards under the Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as ordered by this Honorable Court in Writ Petition No.13976 of 2018 and batch passed on 30.04.2018 and Writ Petition No.19062 of 2018 order passed on 14.06.2018 in the interest of justice and to pass such order/orders…"

2. Mr.Kilaru Nithin Krishna, learned counsel for the petitioner, has invited our attention to the Division Bench Judgment, dated 30.04.2018, in W.P.No.13976 of 2018 and batch, and submitted that the issues raised in this writ petition are squarely covered by the said Judgment.

3. Mr.J.Anil Kumar, learned standing counsel for the Legal Services Authority appearing for respondent No.7, has submitted that in W.P.No.21315 of 2017, this Court has ordered *status quo* with respect to disbursement of the compensation in pursuance of Lok Adalat Award, dated 26.07.2016, in L.A.O.P.No.619 of 2014.

4. The learned counsel for the petitioner has submitted that though the aforementioned L.A.O.P. in which the Lok Adalat has passed awards is common, separate awards were passed with reference to individual claims and that the awards in respect of which W.P.No.21315 of 2017 was filed do not include award No.406 of 2016, which is questioned in this writ petition.

5. On verification of the aforementioned interim order, the learned standing counsel for the Legal Services Authority appearing for respondent No.7, has fairly agreed with the

submission of the learned counsel for the petitioner. He has also fairly conceded that the aforementioned Division Bench Judgment, dated 30.04.2018, in W.P.No.13976 of 2018 and batch, covers this case as well.

6. In the light of the above, this Writ Petition is allowed as prayed for.

7. As a sequel to allowing the writ petition, IA.No.1 of 2018, filed by the petitioner for interim relief stands disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

T.AMARNATH GOUD, J

09th November, 2018
GHN